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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10 056,252	01 24 2002	Kenneth Smith	OPT785 01935	7789

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HEAD, JOHNSON & KACHIGIAN
228 W 17TH PLACE
TULSA, OK 74119

EXAMINER

CARIASO, ALAN B

ART UNIT PAPER NUMBER

2875

DATE MAILED: 05 22 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,252

Applicant(s)

SMITH, KENNETH

Examiner

Alan Cariaso

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the outwardly extending flanges (claim 12) and the power supply being located exterior to the front housing and back housing (claim 14) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The "two circular slots having outwardly extending flanges" (claim 12, at least line 5). Furthermore, it appears misdescriptive that these flanges are said to be "outwardly extending", when it appears that these annular flanges are extending towards the interior of the housing(s) as illustrated by the figures 3 and 4.

Claim Objections

3. Claims 13 and 14 are objected to because of the following informalities:
4. Claim 13, "internal" should be changed too -interior—so to be consistent with the original word used in preceding claim 1, line 6 in referring to the "interior compartment".
5. Claim 14, line 2, the term "ro" is not a recognized term.
6. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. Claim 12, lines 5, 8, 10, the limitation "outwardly extending flanges" are indefinite as being misdescriptive since they appear to be extending inwardly or toward the interior compartment of both front and back housings.
10. Claim 12, line 6, the phrase "the front of the back housing may be attached to form an interior compartment" is indefinite as to what the front of the back housing is attached. Also, the term "may be" is indefinite as expressing an optional limitation which is not the case where the front and back housing must be attached as disclosed to form an interior compartment.

11. Claim 12, lines 12-13, the phrase "a mounting bracket extending outwardly from one of ... the back housing" is indefinite as being contrary to what is describe or illustrated by the specification, namely that the "mounting bracket" (12) extends only from front housing (fig.4).

12. Claim 12, line 14, the phrase "a pivot mount having a reflector and a light bulb holder rigidly attached" is indefinite as to what is attached to at least the light bulb holder.

13. Claim 12, lines 16, 19, 25 and 28, the term "it" is indefinite as to which subject/object of the invention is being referred.

14. Claim 12, line 18, the phrase "a pivot mechanism rotatably attached to one of the front housing" is indefinite as being contrary to what is describe or illustrated by the specification, namely that the pivot mechanism (pivot member 52) is rotatably attached to a recess 70 in the back housing (page 11, lines 1-2).

15. Claim 12, line 19, "the pivoting attachment means" has no antecedent basis.

16. Claim 13, line 1, "the power source" has no antecedent basis.

17. Claim 13, lines 1-2, the phrase "the power source is located within the internal compartment" is indefinite as being contrary to what is describe or illustrated by the specification, namely that the power source such as a battery is external to the device 10 (page 8, lines 13-15).

18. Claim 14, line 1, "the power supply" has no antecedent basis.

Allowable Subject Matter

19. Claims 12-14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Response to Arguments

20. Applicant's amendment with arguments, filed May 5, 2003, with respect to the rejection(s) of claim(s) 1-11 under RICARD and DOBLER et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the noted indefiniteness of new claims 12-14 under 35 USC 112, that also affect the specification and drawings as being objected as indicated above.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. MATUBARA (US 6,220,735) shows a pivot mount (fig.3) that holds a reflector and light source holder (fig.1) and pivotal at least about two orthogonal axes actuated by at least two knobs protruding from a back of a housing. FEYERABEND et al (DE 3,429,040) show a pivot mount with reflector (31-fig.2) pivotal about a vertical axis (32) by an adjustment knob (21) and the reflector being pivotal about a horizontal axis by an adjustment knob (6-fig.3). MAKITA (US 5,113,330) shows inwardly and outwardly extending annular flanges (86,102-fig.3) supporting adjustment knobs extending through the back of the housing.

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

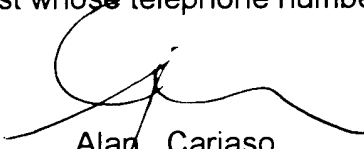
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (703) 308-1952. The examiner can normally be reached on M-F (9:00-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

Art Unit: 2875

872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.



Alan Cariaso
Primary Examiner
Art Unit 2875

AC
May 16, 2003